



2024:KER:82715

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE DR.JUSTICE KAUSER EDAPPAGATH

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

&

THE HONOURABLE MRS.JUSTICE C.S. SUDHA

&

THE HONOURABLE MR.JUSTICE SYAM KUMAR V.M.

THURSDAY, THE 7TH DAY OF NOVEMBER 2024/16TH KARTHIKA, 1946

W.P(C).NO.21108 OF 2014

PETITIONER:

DEJO KAPPAN
MANAGING TRUSTEE CENTRE FOR CONSUMER EDUCATION PALA,
KOTTAYAM DISTRICT.

BY ADV.SRI.JOHNSON MANAYANI
BY ADV.SRI.BENHUR JOSEPH MANAYANI
BY ADV.SRI.JEEVAN MATHEW MANAYANI

RESPONDENTS:

- 1 DECCAN HERALD
KALOOR KADAVANTHRA ROAD, KATHRIKADAVU, KALOOR,
KOCHI - 682 017, REPRESENTED BY ITS RESIDENT EDITOR,
PALARIVATTAM, ERNAKULAM.
- 2 DEEPIKA
REPRESENTED BY ITS EDITOR, DEEPIKA OFFICE,
KOTTAYAM - 1.
- 3 ASIANET NEWS NETWORK PVT LTD
T.C.26/621, SECRETARIAT WARD,
OPPOSITE KERALA FIRE AND RESCUE SERVICES,



2024:KER:82715

HEADQUARTERS, HOUSING BOARD JUNCTION,
THIRUVANANTHAPURAM, KERALA - 695 001,
REPRESENTED BY ITS EDITOR.

- 4 HIGH COURT OF KERALA
REPRESENTED BY ITS REGISTRAR GENERAL,
HIGH COURT COMPLEX, ERNAKULAM - 682 031.
- 5 PRESS COUNCIL OF INDIA
SUCHANA BHAVAN, 8CGO COMPLEX, LODHI ROAD,
NEW DELHI - 110 003.
- 6 UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO PRESS
AND BROADCASTING CENTRAL SECRETARIAT,
NEW DELHI - 110 001.
- 7 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT,
TRIVANDRUM - 695 001.
- 8 KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, TRIVANDRUM - 695 001.
- ADDL.R9 TO R29:
- 9 BAISIL ATTIPETTY @ BASIL A.G [EXPIRED]
AGED 54 YEARS
S/O.GEORGE, ATTIPETTY HOUSE, NAYARAMBALAM,
KOCHI - 682 509
- 0 DESHABHIMANI
KALoor, KOCHI - 682 017, REPRESENTED BY ITS EDITOR
- 11 KERALA KAUMUDI
CHANDRIKA BUILDING, M.G.ROAD, KOCHI - 682 011,
REPRESENTED BY ITS EDITOR
- 12 MADHYAMAM
PULLEPADY, KOCHI - 682011, REPRESENTED BY ITS EDITOR
- 13 MALAYALA MANORAMA
P.B.NO.4278, PANAMPILLY NAGAR, KOCHI - 682 036,
REPRESENTED BY ITS EDITOR
- 14 MANGALAM DAILY
NEAR SOUTH OVERBRIDGE, PANAMPILLY NAGAR,
KOCHI - 682 016, REPRESENTED BY ITS EDITOR.



2024:KER:82715

- 15 MATHRUMBHUMI, KALOOR
KOCHI - 682 017, REPRESENTED BY ITS EDITOR.
- 16 THE HINDU
N.H.BYE PASS ROAD, VYTTILA JUNCTION, KOCHI - 682 019,
REPRESENTED BY ITS EDITOR
- 17 NEW INDIAN EXPRESS, KALOOR
KOCHI - 682 017, REPRESENTED BY ITS EDITOR.
- 18 THE TIMES OF INDIA
IMPERIAL TRADE LINK, M.G.ROAD, KOCHI - 682 031,
REPRESENTED BY ITS EDITOR
- 19 AMRITHA T.V
AZAD ROAD, ASHRAMAM LANE, KOCHI - 682 017,
REPRESENTED BY ITS EDITOR.
- 0 INDIA VISION
TOTAL TOWERS, PALARIVATTAM, N.H.BYE PASS, KOCHI - 24,
REPRESENTED BY ITS EDITOR.
- 21 JAIHIND T.V
POWER HOUSE ROAD, PALARIVATTAM, KOCHI - 682 025,
REPRESENTED BY ITS EDITOR.
- 22 KAIRALI T.V
KAIRALI STUDIO COMPLEX, N.H.BYPASS, VENNALA PO, KOCHI
REPRESENTED BY ITS EDITOR
- 23 MANORAMA NEWS
P.B.NO.4278, PANAMPILLY NAGAR, KOCHI - 682 036,
REPRESENTED BY ITS EDITOR.
- 24 REPORTER T.V
REPORTER STUDIO COMPLEX, H.M.T COLONY P.O, ERNAKULAM,
REPRESENTED BY ITS EDITOR
- 25 SURYA T.V
CIVIL LANE ROAD, VAZHAKKALA, KOCHI - 682 021,
REPRESENTED BY ITS EDITOR
- 26 THE PRESS CLUB OF ERNAKULAM
PRESS CLUB ROAD, ERNAKULAM, REPRESENTED BY ITS
SECRETARY.
- 27 MARUNADAN MALAYALI
ONLINE NEWS PORTAL, 76 N.C.C ROAD, PEROORKADA PO,
TRIVANDRUM - 695 005, REPRESENTED BY ITS MANAGING



2024:KER:82715

EDITOR, SHAJAN SHARIAH

- 28 KERALA TELEVISION FEDERATION
DOOR NO.42, BELL HAVEN GARDEN, KOWDIAR, TRIVANDRUM -
695 003, REPRESENTED BY ITS DIRECTOR P.J.ANTONY
- 29 MADASWAMY.G
AGED 37 YEARS
S/O.GANAPATHY, PRESS CO-ORDINATOR, M/S."CENTRE FOR
LEGAL AID", RAM NIVAS, T.K.SYED MOHAMMED ROAD,
NETTOOR P.O., ERNAKULAM-682040.
- 30 THE KERALA HIGH COURT ADVOCATES' ASSOCIATION
HIGH COURT COMPLEX, ERNAKULAM-682031,
REPRESENTED BY ITS SECRETARY.
- 31 THE ERNAKULAM BAR ASSOCIATION
DISTRICT COURT COMPLEX, ERNAKULAM-682011,
REPRESENTED BY ITS SECRETARY.
- 32 JANAM.T.V
REGISTERED OFFICE AT G1-RUBY ENCLAVE, POTTAYIL LANE,
POOTHOLE P.O., M.G.ROAD, THRISSUR-680004,
REPRESENTED BY ITS EDITOR.

[ADDL.R9 IS IMPEADED VIDE ORDER DATED 23.10.2014
IN I.A.NO.13219/2014. ADDL.R10 TO R27 ARE
IMPEADED VIDE ORDER DATED 23.10.2014 IN
I.A.NO.14022/2014. ADDL.R28 IS IMPEADED VIDE
ORDER DATED 23.10.2014 IN I.A.NO.14359/2014.
ADDL.R29 IS IMPEADED VIDE ORDER DATED 6.10.2016
IN I.A.NO.13421/2014. ADDL.R30 TO R32 ARE
IMPEADED VIDE ORDER DATED 6.10.2016 IN
I.A.NO.12734/2016.]

BY SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL
BY ADV SHRI.V.MANU, SENIOR G.P. (GP-46)
BY ADV.SRI.N.N.SUGUNAPALAN (SR.) (AMICUS CURIAE)
BY ADV.SRI.ASHIK K.MOHAMMED ALI
BY SRI.SUVIN R MENON, CGC
BY ADV.SMT.R.RANJANIE
BY ADV.SRI.P.ANIYAN
BY ADV.SRI.G.BIJU
BY ADV.SRI.BENOJ C AUGUSTIN
BY ADV.SRI.ELVIN PETER P.J. (SR.)
BY ADV.SRI.V.B.HARI NARAYANAN
BY ADV.SRI.JOMY GEORGE
BY ADV.SRI.S.JIJI
BY ADV.SRI.KALEESWARAM RAJ
BY ADV SMT.J.KASTHURI



2024:KER:82715

BY ADV SRI.R.LAKSHMI NARAYAN (SR.)
BY ADV SRI.LEGITH T.KOTTAKKAL
BY ADV SRI.MILLU DANDAPANI
BY ADV SRI.V.V.NANDAGOPAL NAMBIAR
BY ADV SRI.NAGARAJ NARAYANAN
BY ADV DR.K.P.PRADEEP
BY ADV SMT.V.RENJU
BY ADV SMT.RUBY P.PAULOSE
BY ADV SRI.M.RAJAGOPALAN NAIR
BY ADV SRI. RON BASTIAN
BY ADV SMT.V.RAIMA RAMESH
BY ADV SRI.SEBASTIAN PAUL
BY ADV SRI.SEBASTIAN THOMAS
BY ADV SRI.SAIJO HASSAN
BY ADV SMT.SREEKALA KRISHNADAS
BY ADV SRI.SEBIN THOMAS
BY ADV SMT.SABEENA P.ISMAIL
BY ADV SMT.SAJNA T.UMMER
BY ADV SRI.S.VINOD BHAT
BY ADV SRI.VIVEK V. KANNANKERI
BY ADV SRI.VISHNU BHUVANENDRAN
BY ADV P.C.SASIDHARAN
BY SRI.P.C.CHACKO, SC, KSRTC
BY SRI.C.P.UDAYABHANU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01.10.2024, ALONG WITH W.P(C).NOS.24499/2016 AND
25718/2016, THE COURT ON 07.11.2024 DELIVERED THE
FOLLOWING:



2024:KER:82715

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE DR.JUSTICE KAUSER EDAPPAGATH

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

&

THE HONOURABLE MRS.JUSTICE C.S. SUDHA

&

THE HONOURABLE MR.JUSTICE SYAM KUMAR V.M.

THURSDAY, THE 7TH DAY OF NOVEMBER 2024/16TH KARTHIKA, 1946

W.P(C).NO.24499 OF 2016

PETITIONER:

SUO MOTU PROCEEDINGS
- LAW AND ORDER PROBLEM
IN AND AROUND HIGH COURT COMPLEX

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT OF KERALA, SECRETAIRAT,
THIRUVANANTHAPURAM-695 001.
- 2 THE STATE POLICE CHIEF
OFFICE OF THE STATE POLICE CHIEF,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.
- 3 ADDL.R3, R4, R5 & R6:
SECRETARY
THE KERALA HIGH COURT ADVOCATES' ASSOCIATION,
ERNAKULAM, KOCHI.
- 4 KERALA UNION OF WORKING JOURNALISTS
KESARI BUILDINGS, PULIMOOD, TRIVANDRUM - 695 001,
REPRESENTED BY ITS GENERAL SECRETARY,



2024:KER:82715

C.NARAYANAN, S/O.LATE K.P.NARAYANAN NAMBIAR,
AGED 49 YEARS, RESIDING AT CHENAL HOUSE,
POST KALLIASSERIL, KANNUR DISTRICT.

- 5 THE HIGH COURT OF KERALA
REPRESENTED BY REGISTRAR GENERAL
ERNAKULAM - 682 031.
- 6 KERALA MEDIA ACADEMY
SEAPORT-AIRPORT ROAD,
NEAR CIVIL STATION, KOCHI - 682 030
REPRESENTED BY THE CHAIRMAN.

[ADDL.R3 IS IMPEADED VIDE ORDER DATED 28.7.2016 IN
I.A.NO.12064/2016. ADDL.R4 IS IMPEADED VIDE ORDER
DATED 29.7.2016 IN I.A.NO.12185/2016. ADDL.R5 IS
SUO MOTU IMPEADED VIDE ORDER DATED 21.11.2016 IN
W.P.(C). ADDL.R6 IS IMPEADED VIDE ORDER DATED
13.12.2016 IN I.A.NO.15156/2016.]

BY SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL
BY ADV.SRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
BY ADV.SRI.S.RENJITH, SPL. G.P. TO A.A.G
BY ADV.SRI.JAFFER KHAN Y., SENIOR GOVT. PLEADER
BY ADV.SRI.N.N.SUGUNAPALAN (SR.), AMICUS CURIAE
BY ADV.SMT.ASHA BABU
BY ADV.SRI.K.RAMAKUMAR (SR.)
BY ADV.SRI.ELVIN PETER P.J. (SR.)
BY ADV.SRI.KRISHNADAS P. NAIR
BY ADV.SRI.M.R.RAJENDRAN NAIR (SR.)
BY ADV.SRI.SEBASTIAN PAUL
BY ADV.SRI.M.R.SUDHEENDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01.10.2024, ALONG WITH W.P(C).NOS.21108/2014 AND
25718/2016, THE COURT ON 07.11.2024 DELIVERED THE
FOLLOWING:



2024:KER:82715

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR.JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE DR.JUSTICE KAUSER EDAPPAGATH

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

&

THE HONOURABLE MRS.JUSTICE C.S. SUDHA

&

THE HONOURABLE MR.JUSTICE SYAM KUMAR V.M.

THURSDAY, THE 7TH DAY OF NOVEMBER 2024/16TH KARTHIKA, 1946

W.P(C).NO.25718 OF 2016

PETITIONER:

PUBLIC EYE
(PUBLIC EDUCATIONAL CHARITABLE TRUST REG.NO.43/2016),
REPRESENTED BY ITS GENERAL SECRETARY, C.C.41/3986,
BANERJI ROAD, ERNAKULAM, KOCHI 682018

BY ADV.SRI.C.J.JOY
BY ADV.SRI.C.C.ABRAHAM
BY ADV.SMT.TINY THOMAS

RESPONDENTS:

1 UNION OF INDIA [CORRECTED]
REPRESENTED BY THE CABINET SECRETARY,
GOVERNMENT OF INDIA, NEW DELHI 110001

RESPONDENT NO.1 OCCURRING IN THE CAUSE TITLE IS
CORRECTED AS UNDER:
UNION OF INDIA
REPRESENTED BY THE SECRETARY OF MINISTRY OF
INFORMATION AND BROADCASTING, NEW DELHI- 110001

2 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY,



2024:KER:82715

GOVERNMENT SECRETARIAT, THIVANANTHAPURAM 695001

- 3 THE BAR COUNCIL OF INDIA
REPRESENTED BY ITS SECRETARY, 21, ROUSE AVENUE
INSTITUTIONAL AREA, NEAR BAL BHAVAN, NEW DELHI 110002
- 4 THE BAR COUNCIL OF KERALA
REPRESENTED BY ITS SECRETARY, BAR COUNCIL BHAVAN,
HIGH COURT CAMPUS, ERNAKULAM, KOCHI 682031
- 5 THE KERALA HIGH COURT ADVOCATES' ASSOCIATION
REPRESENTED BY ITS SECRETARY, HIGH COURT BUILDING,
ERNAKULAM, KOCHI 682031
- 6 ERNAKULAM BAR ASSOCIATION
REPRESENTED BY ITS SECRETARY, DISTRICT AND SESSIONS
COURT CAMPUS, ERNAKULAM, KOCHI 682035
- 7 THIRUVANANTHAPURAM BAR ASSOCIATION
REPRESENTED BY SECRETARY, DISTRICT AND SESSIONS COURT
COMPLEX, VANCHIYOOR, THIRUVANANTHAPURAM 695035
- 8 KOZHIKODE BAR ASSOCIATION
REPRESENTED BY ITS SECRETARY, DISTRICT AND SESSIONS
COURT COMPLEX, CHEROOTY ROAD, KOZHIKODE 673032
- 9 THE KERALA HIGH COURT ADVOCATES CLERKS ASSOCIATION
REPRESENTED BY ITS SECRETARY, HIGH COURT BUILDING,
ERNAKULAM, KOCHI 682031
- 10 PRESS COUNCIL OF INDIA
REPRESENTED BY ITS SECRETARY, SOOCHANA BHAVAN, 8-C,
CGO COMPLEX, LODHI ROAD, NEW DELHI 110003
- 11 THE EDITOR-IN-CHIEF
MALAYALA MANORAMA DAILY NEWSPAPER, P.B.NO.26,
KOTTAYAM 686001
- 12 THE EDITOR
THE HINDU DAILY NEWSPAPER, 859 & 860,
KASTHURI & SONS BUILDING, ANNA SALAI, MOUNT ROAD,
CHENNAI 600002
- 13 THE EDITOR
ASIANET NEWS CHANNEL, TC. 26/621,
SECRETARIAT WARD, OPP. FIRE & RESCUE SERVICES,
HOUSING BOARD JUNCTION, THIRUVANANTHAPURAM 695001
- 14 KERALA UNION OF WORKING JOURNALISTS



2024:KER:82715

REPRESENTED BY ITS GENERAL SECRETARY,
KESARI BUILDING, PULIMOOD JUNCTION,
THIRUVANANTHAPURAM 695001

15 THE ADVOCATE GENERAL OF KERALA [DELETED]
OFFICE OF THE ADVOCATE GENERAL,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI 682031

ADDL.RESPONDENT NO.16:

16 THE HIGH COURT OF KERALA
REPRESENTED BY REGISTRAR GENERAL
ERNAKULAM - 682 031.

RESPONDENT NO.15 OCCURRING IN THE CAUSE TITLE IS
DELETED FROM THE PARTY ARRAY AS PER ORDER DATED
21.11.2016 IN W.P.(C). ADDL.R16 IS SUO MOTU IMPLEADED
VIDE ORDER DATED 21.11.2016 IN W.P.(C).

BY SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL
BY ADV.SRI.JAFFER KHAN Y., SENIOR GOVT. PLEADER
BY SRI.T.C.KRISHNA, SENIOR CGC
BY ADV.SRI.C.M.ANDREWS
BY ADV.SRI.ELVIN PETER P.J. (SR.)
BY ADV.SRI.GRASHIOUS KURIAKOSE (SR.)
BY SRI.N.N.SUGUNAPALAN (SR.) (AMICUS CURIAE)
BY ADV.SMT.BOBY M.SEKHAR
BY ADV.SRI.V.J.JAMES
BY ADV.SRI.JAIMON ANDREWS
BY ADV.SRI.MILLU DANDAPANI
BY ADV.SRI.V.V.NANDAGOPAL NAMBIAR
BY ADV.SRI.A.H.NAJMAL
BY ADV.SRI.PEEYUS A.KOTTAM
BY ADV.DR.K.P.PRADEEP
BY ADV.SRI.T.T.RAKESH
BY ADV.SRI.RUBEN GEORGE ROCK
BY ADV.SRI.G.SHRIKUMAR (SR.)
BY ADV.SRI.SHYAM PADMAN (SR.)
BY ADV.SMT.SREEKALA KRISHNADAS
BY ADV.SMT.A.SALINI LAL
BY ADV.SRI.R.SUNIL KUMAR
BY ADV.SRI.RAJIT, SC, BAR COUNCIL OF INDIA
BY ADV.SMT.T.THASMI
BY ADV.SRI.S.VAISAKH
BY ADV.SRI.VIMAL SANKAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01.10.2024, ALONG WITH W.P(C).NOS.21108/2014 AND
24499/2016, THE COURT ON 07.11.2024 DELIVERED THE
FOLLOWING:



2024 : KER : 82715

'C.R.'**J U D G M E N T****Dr. A.K.Jayasankaran Nambiar, J.**

These writ petitions raise an interesting question as regards the scope, content and extent of the right to freedom of speech and expression enuring to the media when they report facts about ongoing criminal investigations or the proceedings in cases pending adjudication before the various adjudicatory forums in the country. The writ petitions were initially considered by a Full Bench of this Court. However, by an order dated 24.05.2018, the Full Bench took the view that in the light of an earlier decision of another Full Bench of this Court in **S. Sudin v. Union of India and Others - [2015 (2) KLT 296 (FB)]**, these matters needed to be referred to a Larger Bench of five Judges for consideration. It is thus, and pursuant to an order dated 02.09.2024 of the Hon'ble the Acting Chief Justice, that these matters are now before us.

The issue to be considered:

Taking note of the specific prayers sought for in the writ petitions, in the light of the law as it then stood, the Full Bench of this Court that was considering the matter earlier had, on 21.02.2017, framed the following six issues for its consideration;



2024 : KER : 82715

1. Whether the existing regulations are sufficient to keep the media and press within the bounds of Article 19(2) of the Constitution of India?
2. Does the case reported in (2012) 10 SCC 603 Sahara India Real Estate Corporation's case finally decide on the powers of the court to frame guidelines for reporting/publishing the court proceedings? If not, whether it is necessary to frame guidelines by the High Court?
3. Whether the fundamental right guaranteed under Article 19(1)(a) of the Constitution of India is available to Media Institutions/Corporation apart from citizens?
4. Whether a Media room available to news reporters in the Hon'ble Supreme Court is to be provided for in the High Court also?
5. Are the Press and Media Institutions under an obligation to publish true and correct version of the news? If so, can the media project their own policies and views as part of the news?
6. In terms of Article 19(1)(a) of the Constitution of India, are not the citizens entitled to know the true and correct events covered by the news items and to insist for true and correct reporting?

However, the Full Bench later referred this matter to a Larger Bench since it noticed that another Full Bench of this Court had, in *Sudin (supra)*, held that a writ cannot be issued directing the media to adhere to Norms of Journalistic Conduct.

3. When these matters were taken up for hearing by us on 30.09.2024 and 01.10.2024, we heard the learned counsel for the petitioners and respondents in all the three writ petitions. We felt that in the light of the developments in our free speech jurisprudence in the years since 2017, and in view of the transparency in court proceedings ushered in through technological innovations such as video-conferencing and live streaming of court proceedings, the sole issue that now remains to be considered in these proceedings can be framed as under:

“What is the scope, extent and content of the right to freedom of speech and expression guaranteed to the press/media under Article 19(1)(a) of the Constitution of India, in the context of reporting facts



2024 : KER : 82715

relating to criminal investigations and cases pending adjudication before various adjudicatory forums in our country ?”

By framing the issue as above, we hope to find answers to the following questions viz. (i) whether the print and electronic media have unlimited and unrestricted freedom to publish details of criminal cases pending their investigation and trial, (ii) whether any restriction in that regard can and ought to be put in place by this court? and (iii) whether this court can frame guidelines regarding reporting of criminal cases at the stage of investigation and trial?

We therefore requested the learned counsel appearing for the parties in these writ petitions to address their arguments on the above issue alone.

The arguments of counsel:

4. The submissions of the learned counsel appearing on behalf of the petitioners in these writ petitions can be summarised as follows:

- The existing Regulations such as the Press Council Act, 1978, The Cable Television Networks (Regulation) Act, 1995 and the Rules framed there under are not sufficient to regulate the publication of news concerning matters pending in courts. Although the print and electronic media have every right to publish news and views, that right will not extend to publication of news concerning investigation of criminal cases by the police and criminal cases pending trial in courts, since airing of such views has the propensity to substantially interfere with the administration of justice.



- Although there are various provisions in the Code of Criminal Procedure, 1973 (*now in the Bharathiya Nagarik Suraksha Sanhita, 2024*), the Contempt of Courts Act, 1971, The Cinematograph Act, 1952, The Protection of Children from Sexual Offences Act, 2012 and in the guidelines issued by the Press Council of India and the News Broadcasters Association, none of the said provisions are effective or sufficient to keep the print and electronic media within the bounds of Article 19(2) of the Constitution of India and therefore it has become imperative for this court to frame guidelines regarding the reporting of court proceedings.

- A reporting of court proceedings in a manner that distorts the truth of what actually happened in court or by reporting statements/observations made by judges and counsel without mentioning the context in which they were made, virtually amounts to a reporting of inaccurate facts to the general public that can, in turn, lead to loss of public confidence in the judiciary, if the ultimate verdict of the court is contrary to what the general public were made to expect. It is pointed out that journalists have a duty to democratic institutions that obliges them to represent only the true and correct facts and hence they cannot have any objection to a declaration by this court of the extent of their duty or the limits of their rights.

5. *Per contra*, the submissions of the learned counsel appearing on behalf of the respondents can be summarised as follows:

- The reference of the issue to a Larger Bench was not warranted since the referring Full Bench had not really doubted the correctness of the law laid down in *S.Sudin (supra)*, and it is a



2024 : KER : 82715

pre-condition for a reference to a Larger Bench that the co-ordinate Bench must doubt the correctness of another co-ordinate Bench. Reliance is placed on the decisions in **Pradip Chandra Parija and Others v. Pramod Chandra Patnaik and Others - [(2002) 1 SCC 1]**; **DR. Shah Faesal and Others v. Union of India and another - [(2020) 4 SCC 1]**; **Central Board of Dawoodi Bohra Community and another v. State of Maharashtra and another - [(2005) 2 SCC 673]**.

- In the light of the fact that the Full Bench of this Court in *S.Sudin (supra)* had followed the judgment of the Supreme Court in **Sahara India Real Estate Corporation Ltd. and Others v. Securities and Exchange Board of India and another - [(2012) 10 SCC 603]** to hold against the very idea of outside regulation and to find that the Press can only have internal regulations, the issues arising in the instant cases are to be deemed as answered by the Supreme Court in *Sahara (supra)*. As the judgment in *Sahara (supra)* was rendered under Article 141 of the Constitution of India, it cannot be re-interpreted in a different way by this court by invoking the powers under Article 226 of the Constitution.
- The imposition of any blanket regulatory measure would tantamount to pre-censorship on the media and ought to be avoided. That apart, a blanket measure will nullify the direction in *Sahara (supra)* that there has to be a case to case examination and the application of a balancing principle while examining issues of alleged infringement of rights by the media. It will also deny the journalists/media their right to be heard and their right to appeal.
- Media reporting has now assumed an open and democratic character due to the introduction of digital/online hearings which have enabled greater media participation, allowing for open and real-time



2024 : KER : 82715

reporting and enhancing the public's right to know about judicial processes. As these technological innovations came about after the reference order, there is no need for imposing any fresh guidelines/restrictions on the media. Reliance is placed on the decision in **The Chief Election Commissioner of India v. M.R Vijayabhaskar and Others - [AIR (2021) SC 2238]**.

- In the light of the recent judgment of the Supreme Court in **Kaushal Kishor v. State of Uttar Pradesh and Others - [(2023) 4 SCC 1]**, reasonable restrictions can be imposed on the right to freedom of speech and expression only on the grounds expressly stated in Article 19(2) of the Constitution. Further, the mere fact that the breach of the right to privacy of a person is now actionable, post the recognition of privacy as a right traceable to Article 21 of the Constitution in **K.S. Puttaswamy and another v. Union of India and others - [(2017) 10 SCC 1]**, will not justify any prior restraint or imposing outside regulations on the media. Reliance is placed on the decisions in **R.K.Anand v. Registrar, Delhi High Court - [(2009) 8 SCC 106]**; **Sidhartha Vashisht @ Manu Sharma v. State (NCT of Delhi) - [(2010) 6 SCC 1]**; **Sunil Baghel and Others v. State of Maharashtra and Others - [2018 SCC OnLine Bombay 161]**; **Adarsh Cooperative Housing Society Ltd v. Union of India and Others - [(2018) 17 SCC 516]**; **Nebraska Press Association v. Stuart - [427 U.S. 539 (1976)]**; **Richmond Newspapers, Inc. v. Virginia - [448 U.S. 555 (1980)]**; **Near v. Minnesota - [283 U.S. 697 (1931)]**.

- As there are already sufficient legislations and regulations in place to regulate the conduct of media in the matter of reporting court proceedings, additional guidelines in the form of directions from this court are wholly unnecessary. Further, as per the mandate of Article 19(2) of the Constitution of India, reasonable restrictions on the right to freedoms of speech and expression of the Press under Article 19(1)(a)



2024 : KER : 82715

can be imposed only through legislation by the State and not through judicial legislation. Reliance is placed on the decisions in **Common Cause (A Regd. Society) v. Union of India and Others - [(2008) 5 SCC 511]**; **Assistant Commissioner, Assessment-II, Bangalore and Others v. M/s Velliappa Textiles Ltd. and another - [(2003) 11 SCC 405]**; **Hindustan Aeronautics Employees Co-op Housing Society Ltd v. Special Court - [(2004) 6 ALD 769]**; **Sakal Papers (P) Ltd. and Others v. Union of India - [AIR 1962 SC 305]**; **Indian Express Newspapers (Bombay) Pvt. Ltd. and Others v. Union of India and Others - [(1985) 1 SCC 641]**; **Bennett Coleman & Co and Others v. Union of India and Others - [(1972) 2 SCC 788]**; **Life Insurance Corporation of India v. Prof. Manubhai D Shah - [(1992) 3 SCC 637]**; **S.Khushboo v. Kanniammal and another - [(2010) 5 SCC 600]**; **Secretary, Ministry of Information & Broadcasting, Govt. of India and Others v. Cricket Assn. of Bengal and Others - [(1995) 2 SCC 16]** ; **P.N. Duda v. P. Shiv Shanker and Others - [(1988) 3 SCC 167]**; **Ajay Goswami v. Union of India and Others - [(2007) 1 SCC 143]**.

Discussion and Findings:

6. We have considered the submissions of the learned counsel for the petitioners and the respondents and also perused the statutory provisions and case laws cited across the bar. In these proceedings, we are called upon to determine the limits of the right to freedom of speech and expression of the media in the context of reporting facts relating to criminal investigations and cases pending adjudication before various adjudicatory forums in our country. In the case of criminal investigations, an erroneous or distorted reporting of facts often leads to the public getting a skewed version of the guilt/innocence of the person against whom such investigation is launched. Similarly, in pending cases, an erroneous reporting of the



2024 : KER : 82715

proceedings in court, often on account of not providing the appropriate context, leads a reader/viewer to infer an improbable outcome of the proceedings. Both these situations have the propensity to affect the dignity and/or reputation of the persons who are the subject of investigation or parties to a legal proceedings during the currency of the investigation or legal proceedings.

7. The problem was eloquently articulated by one of us (Mohammed Nias C.P., J) in **Suraj T.N. v. State of Kerala and Others - [2022 (3) KHC 243]**, by observing as follows:

“In a trial by media which apart from adversely affecting the rights of an accused for a fair trial has immense power to influence public opinion. A perception is created for or against the accused in the mind of the laymen. So much so, that when a judge passes a verdict which may be totally against the layman’s perception, it causes him to distrust the integrity of the very legal system. The time tested system of arriving at the conclusion of guilt on the basis of legal evidence need not always be a concept which is familiar to a person untrained in law. Such persons are more comfortable with the version that media has given him. This loss of faith in justice delivery system is aggravated when the judge, not the judgment itself, is subjected to media criticism. In such cases, trial by media results in denigration of the justice delivery system which, without doubt, is the very foundation of the rule of law in any democratic set up.”

8. Our legal system embraces the concept of open courts. In a democracy, open courts are essential to safeguard valuable constitutional freedoms. Citizens have a right to know what transpires in the course of judicial proceedings. Arguments addressed before the court, the response of opposing counsel and issues raised by the court are matters on which citizens have a legitimate right to be informed. An open court proceedings ensures that the judicial process is subject to public scrutiny which, in turn, is crucial to maintaining transparency and accountability. Transparency in



2024 : KER : 82715

the functioning of democratic institutions is crucial to establish the public's faith in them.

9. Lord Widgery in **R v. Socialist Workers Printers, ex p Attorney General - [1974 (3) WLR 801]** observed that:

'[T]he great virtue of having the public in courts is that discipline which the presence of the public imposes upon the court itself. When the court is full of interested members of the public...it is bound to have the effect that everybody is more careful about what they do, everyone tries just that little bit harder and there is a disciplinary effect on the court which would be totally lacking if there were no critical members of the public or press present. When one has an order for trial in camera, all the public and press are evicted at one fell swoop and the entire supervision by the public is gone'

In the same vein, our Supreme Court in **Swapnil Tripathi v. Supreme Court of India - [(2018) 10 SCC 639]**, in the context of live streaming of judicial proceedings, observed that first-hand access to court hearings enables the public and litigants to witness the dialogue between the judges and the advocates and to form an informed opinion about the judicial process. However, it went on to note that;

'[T]he impact of open courts in our country is diminished by the fact that a large segment of the society rarely has an opportunity to attend court proceedings. This is due to constraints like poverty, illiteracy, distance, cost and lack of awareness about court proceedings. Litigants depend on information provided by lawyers about what transpired during the course of hearings. Others, who may not be personally involved in a litigation, depend on the information provided about judicial decisions in newspapers and the electronic media. When the description of cases is accurate and comprehensive, it serves the cause of open justice. However, if a report on a judicial hearing is inaccurate, it impedes the public's right to know. Courts, though open in law and in fact, become far removed from the lives of individual citizens'

It is to bridge this 'knowledge gap' that the citizenry often relies upon the media for accurate information.



2024 : KER : 82715

10. In a parliamentary democracy such as ours, freedom of speech and expression is a necessary right as well as a concomitant for the purpose of not only ensuring a healthy democracy but also to ensure that the citizens could be well informed and educated on governance. The dissemination of information through various media, including print and electronic media or audio-visual form, is to ensure that the citizens are enlightened about their rights and duties, the manner in which they should conduct themselves in a democracy and for enabling a debate on the policies and actions of the governments and ultimately for the development of the society in an egalitarian way. The necessity for the media to provide true and accurate information, along with the necessary context to fully comprehend the same, cannot be understated. It is because the media is expected to discharge such a responsible function that their freedom of speech and expression is zealously safeguarded under our Constitution.

11. The freedom of the press is a right that is traceable to Article 19(1)(a) of the Constitution and it is well settled in our jurisprudence through the decisions in **Sakal Papers (P) Ltd. and Others v. Union of India - [AIR 1962 SC 305]** and **Express Newspapers (P) Ltd. and Another v. Union of India and Others - [AIR 1958 SC 578]** that a law violating Article 19(1)a) would be unconstitutional unless the purpose of the law falls squarely within the provisions of Article 19(2). The term 'law' used here refers to legislation, and it is therefore that in our jurisprudence a person complaining of infringement of his/her rights, on account of the media personnel exercising their right under Article 19(1)(a) of the



2024 : KER : 82715

Constitution, has to base his/her objection on a reasonable restriction authorised by a statutory instrument, and pursue his/her remedy before the forums prescribed thereunder. In other words, whenever a person alleges that his/her right under a statute or under common law is infringed on account of a media publication, the approach of our courts has been to protect the fundamental right of the media under Article 19(1)(a) to the extent possible, on the principle that a lesser right of an individual must give way to the fundamental right of the media that caters to a larger public interest.

12. A different yardstick is however adopted in cases where a person alleges infringement of his/her constitutional right - fundamental or otherwise - on account of the exercise by another person of their constitutional right. Whenever the court is confronted with a case involving conflict of fundamental or other constitutional rights, it has applied the principle of 'balancing of rights' to resolve the situation. Such balancing of competing fundamental rights has been effected by using either (i) the collective interest or public interest standard, (ii) the single proportionality standard or (iii) the double proportionality standard. An application of the said standards has helped the court determine which of the competing rights should prevail in a given factual situation. As a matter of fact, before the proportionality standard was adopted, the balancing was done by according prominence to one of the conflicting fundamental rights over the other based on public interest. This was done through two modalities.



2024 : KER : 82715

13. In the first, the court while identifying the fundamental rights in conflict, circumscribed one of the fundamental rights in question in such a way that there was no real conflict between the rights. This was usually done by weighing the relative constitutional values of the rights based on public interest. For instance, in **Noise Pollution (V) In re v. Union of India and another - [(2005) 5 SCC 733]**, the court held that the right to freedom of speech and expression does not include the freedom to engage in aural aggression, and therefore the court circumscribed the freedom of speech and expression by excluding from its ambit noise pollution. Similarly, in **Subramaniam Swamy v. Union of India - [(2016) 7 SCC 221]**, where Sections 499 and 500 of the Indian Penal Code that criminalised defamation were challenged, the court found the challenge to be a conflict between the right to speech and expression under Article 19(1)(a) and the right to reputation traceable to Article 21, and found that the right to speech and expression does not include the right to defame a person.

14. In the second modality of the public interest approach, the court would undertake a comparison of the values which the rights espouse and give more weightage to the right that was in furtherance of a higher degree of public or collective interest. For instance, in **People's Union for Civil Liberties (PUCL) v. Union of India and another - [(2003) 4 SC 399]**, the court had to consider whether the disclosure of assets of the candidates contesting elections in furtherance of the right to information of the voters violates the right to privacy of candidates. The court found that the former right of voters trumps the right to privacy because it serves a



2024 : KER : 82715

larger public interest. Similarly, in **Mazdoor Kisan Shakthi Sangathan v. Union of India and another - [(2018) 17 SCC 324]**, the court found that the right of protestors to hold demonstrations, traceable to Article 19(1)(a) had to give way to the right of the residents of the locality to peaceful residence that was traceable to Article 21 of the Constitution.

15. The legal position remaining so, in **Sahara India Real Estate Corporation Ltd. and Others v. Securities and Exchange Board of India and another - [(2012) 10 SCC 603]**, the court resolved the conflict between the freedom of press protected under Article 19(1)(a) and the right to free trial under Article 21 by suggesting a neutralising device such as postponement of trial, retrial, change of venue, and in appropriate cases, grant of acquittal, in case of excessive media prejudicial publicity, so as to neutralise the conflicting rights. It is apparent that the court in *Sahara (supra)* felt that resort to such devices was necessary in circumstances where prevention or containment of the damage resulting from an infringement of the right was the immediate need of the hour. In other words, the court felt that it in such situations, it would be futile to relegate the aggrieved person to his/her remedy under the statute imposing the reasonable restrictions envisaged under Article 19(2) of the Constitution, since a pursuit of that remedy would be time consuming, and irreparable damage might be caused to the aggrieved person in the meanwhile. The decision in *Sahara (supra)* is therefore authority for the proposition that when a balancing of conflicting fundamental and other constitutional rights is resorted to, and the prevailing right is one that can be irreparably affected



2024 : KER : 82715

by a continued infringing action/conduct, then it would be open to a constitutional court to impose restraints that have the effect of neutralising the conflict situation. The right to fair trial was recognised as one such right. Other such rights were also recognised by the court in subsequent years.

16. In **K.S. Puttaswamy and another v. Union of India and others - [(2017) 10 SCC 1]** the court recognised the right to privacy as one that was traceable to Article 21 of the Constitution. In the words of the court, the right to privacy includes 'repose' (freedom from unwanted stimuli), 'sanctuary' (the protection against intrusive observation into intimate decisions) and autonomy with respect to personal choice. Privacy is also attached to a person and not a space. It is defined as essential protection for the exercise and development of other freedoms protected by the constitution, and from direct or indirect influence by both State and non-State actors. In **K.S. Puttaswamy (Aadhaar) v. Union of India and another - [(2019) 1 SCC 1]**, where the court was dealing with an allegation of State action being in violation of the fundamental right to privacy of an individual, the court laid down the four stage single proportionality standard to resolve conflicts involving violation of fundamental rights. The four-prong test requires the court to see whether the rights infringing measure was justified in that it had (i) a legitimate aim, (ii) the measure adopted was suitable for achieving that aim, (iii) the measure was the least restrictive alternative (necessity) available and (iv) there was a balance between the extent of the restriction and the importance of the goal (proportionality *stricto sensu*). What is of significance, however,



2024 : KER : 82715

is that the single proportionality standard is used to test whether the fundamental right in question can be restricted for the sake of State interest and if it can, whether the measure used to restrict the right is proportional to the objective (*emphasis supplied*).

17. Discussing the single proportionality standard, Aparna Chandra in an illuminating article titled '*Proportionality in India: A Bridge to Nowhere?*'- *University of Oxford Human Rights Hub Journal (2020) Vol.3(2) 55*, states that proportionality has been globally adopted as the gold standard for adjudicating the validity of limitations on fundamental rights. The proportionality test requires that a rights-limiting measure should be pursuing a proper purpose, through means that are suitable and necessary for achieving that purpose and that there is a proper balance between the importance of achieving that purpose and the harm caused by limiting the right. There are, however, variations to the intensity of scrutiny by the courts and this depends on two aspects viz. (i) the substantive standards and (ii) the evidentiary standards. Just as scrutiny by the courts can vary in intensity depending upon how much of the substantive standards are insisted upon, so too the burden of proof, standard of proof and quality of evidence that comprise the evidentiary standards can vary. The higher the intensity of review, the heavier is the justificatory burden on the State to satisfy the court that a rights-infringing measure is proportional. Where the court locates itself on the spectrum of substantive and evidential scrutiny depends on how the court views its institutional role vis-à-vis the elected branches.



2024 : KER : 82715

18. The single proportionality standard, however, was found insufficient for balancing the conflict between two fundamental rights. In other words, it was found unsuitable to deal with situations where the conflict was essentially between the fundamental rights of two individuals/citizens, both of which had to be safeguarded by the State. In these proceedings, for instance, we are concerned with the aspects of dignity and reputation of a person that are integral to his/her privacy, and the question that arises is “how is the court expected to balance the conflicting rights of the media under Article 19(1)(a) and the right to dignity/reputation of an individual that is traceable to Article 21 of the Constitution, when confronted with such a situation?”

19. In **Association for Democratic Reforms and Another (Electoral Bond Scheme) v. Union of India and Others - [(2024) 5 SCC 1]**, the court laid down the double proportionality standard which, according to the court, is the standard that must be followed to balance the conflict between two fundamental rights. The said standard requires the court to ask the following questions:

- (a) Does the Constitution create a hierarchy between the rights in conflict? If yes, then the right which has been granted a higher status will prevail over the other right involved. If not, the following standard must be employed from the perspective of both rights where rights A and B are in conflict;
- (b) Whether the measure is a suitable means for furthering right A and right B;
- (c) Whether the measure is the least restrictive and equally effective to realise right A and right B; and
- (d) Whether the measure has a disproportionate impact on right A and right B.



2024 : KER : 82715

Thus, when confronted with a situation including a conflict between two fundamental rights, the court recognises the need to safeguard both the fundamental rights to the extent possible and therefore attempts to forge a 'measure' that when applied to the situation would bring about a reconciliation of the conflicting rights. In these proceedings, our attempt might well have been to identify a measure that would balance the conflicting rights of the media under Article 19(1)(a) and the right to dignity/reputation of an individual that is traceable to Article 21 of the Constitution, in a situation where the reporting of facts relating to criminal investigations or cases pending adjudication before various adjudicatory forums in our country by the media, have the propensity to adversely affect the dignity/reputation of the parties involved in such investigations or cases. But before we proceed in that direction, we must first determine whether, as a court, we would be exceeding our constitutional mandate in formulating any such measure?

20. In **Kaushal Kishor v. State of U.P. - [(2023) 4 SCC 1]**, a Constitution Bench of the Supreme Court considered, *inter alia*, three issues in the context of the right to free speech guaranteed under the Constitution. They are (i) whether the grounds specified in Article 19(2) in relation to which reasonable restrictions on the right to free speech can be imposed by law, were exhaustive in nature or whether restrictions on the right to free speech could be imposed on grounds not found in Article 19(2) by invoking other fundamental rights? (ii) whether the fundamental right under Article 19 or 21 of the Constitution can be claimed against persons other than the



2024 : KER : 82715

State or its instrumentalities? and (iii) whether the State is under a duty to affirmatively protect the rights of a person under Article 21 of the Constitution even against a threat to the liberty of a person by the acts or omissions of another person or private agency?

21. Answering the said questions, the court held in answer to issue (i) that the grounds stipulated in Article 19(2) are exhaustive of the restrictions that can be placed on the right to free speech, and that the State cannot add to the restrictions so enumerated in Article 19(2) of the Constitution. It was also held that reasonable restrictions on the grounds expressly stated in Article 19(2) must be imposed only through a law having statutory force and not a mere executive or departmental instruction. The court went on to state that the restraint upon the executive not to have a back door intrusion applies equally to courts and that courts should not impose additional restrictions by using tools of interpretation. However, it was clarified that whenever two or more fundamental rights appeared either to be on collision course or to be seeking preference over one another, the courts had dealt with the same by applying well established legal tools that balanced the conflicting rights. Issue (ii) was answered by considering the development of law in other countries and India and holding that a fundamental right under Articles 19 and 21 can be enforced even against persons other than the State or its instrumentalities. Nagaratna J., however, was of the view that inasmuch as allegations of fundamental rights violation against a private person would involve disputed questions of fact, a writ petition under Article 226 of the Constitution ought not to lie against a



2024 : KER : 82715

private person. Issue (iii) was answered by stating that the State is under a duty to affirmatively protect the rights of a person under Article 21, whenever there is a threat to personal liberty, even by a non-state actor. Here again, Nagaratna J. opined that the duty cast on the State under Article 21 is a negative duty not to deprive a person of his life or personal liberty except in accordance with law but that when a citizen is so deprived of his right to life or personal liberty, the State would have breached the negative duty cast upon it under Article 21.

22. Essentially what *Kaushal Kishor (supra)* holds is that the restrictions envisaged under Article 19(2) of the Constitution, to the right to freedom of speech and expression under Article 19(1)(a), are comprehensive enough to cover all possible attacks on the individual, groups/classes of people, the society, the court, the country and the State and hence, the State cannot make a law which directly restricts one freedom even for securing the better enjoyment of another freedom. Significantly, it was also clarified that a law imposing any restriction in terms of Article 19(2) can only be made by the State and not by the Court since the role envisaged in the constitutional scheme for the court was to be a gatekeeper to strictly check the entry of restrictions into the temple of fundamental rights and to protect fundamental rights limited by lawful restrictions, and not to protect restrictions and make the rights residual privileges. In her concurring view, especially while discussing the issue of hate speech, Nagaratna J. took recourse to a Hohfeldian perspective of the fundamental right under Article 19(1)(a) and held that inasmuch as rights and duties are jural co-relatives,



2024 : KER : 82715

the restrictions imposed under Article 19(2) would be in situations where the State is under no duty to abstain from interference. In other words, in those situations, the State would be justified in interfering with the exercise of the right under Article 19(1)(a). In other words, the right under Article 19(1)(a) has a protective perimeter within which a person can freely exercise his/her right and the extent of the said protective perimeter will depend upon the degree to which the State is obliged to refrain from interference. Axiomatically, in cases where the exercise by a person of his/her right under Article 19(1)(a), causes him/her to travel outside the said protective perimeter, the State would be justified in imposing either 'restrictions' or 'restraints' on the exercise of the right. It was further clarified that while the 'restrictions' imposed can be only under the grounds expressly mentioned under Article 19(2) of the Constitution, the 'restraints' imposed need not be traceable only to Article 19(2).

23. On a conjoint reading of the decisions referred to above and, in particular, the decisions in *K.S Puttaswamy*, *Sahara* and *Association for Democratic Reforms (supra)*, we are of the view that while it may not be desirable or even proper for us to impose any restriction, in the abstract, against the exercise by the media of their right to freedom of speech and expression under Article 19(1)(a), even in the context of reporting of facts relating to criminal investigations or cases pending adjudication before various adjudicatory forums in our country, we would be failing in our duty as the proverbial '*sentinel on the qui vive*' if we do not declare the limits of the said right of the media under Article 19(1)(a) of the Constitution in such



2024 : KER : 82715

situations. The citizenry can then rely on our declaration of the limits of the right, to approach the constitutional courts in specific cases of breach by the media. In such event, the constitutional court can examine the facts of the case, and in appropriate cases direct that suitable measures be taken by the parties - either to prevent the breach or to contain the effects of such breach - by relying on the precedent in *Sahara (supra)*. We believe it to be our duty to make a declaration of the law in this regard so that the media can take note of the same and regulate its conduct accordingly. To borrow the words of Justice Sotomayor of the U.S. Supreme Court in **Donald J. Trump v. Hawaii - 585 U.S. - (2018)**, "our constitution requires the judiciary to hold the co-ordinate branches to account when they defy our most sacred legal commitments"

24. As already noticed, in these proceedings, we are not really concerned with whether or not restrictions ought to be imposed on the media's right to freedom of speech and expression. On the contrary, our endeavour is to determine the content of the said right under Article 19(1)(a) in the particular situation referred to above. As held in *Kaushal Kishor (supra)*, in respect of speech that does not form the content of Article 19(1)(a), the State does not have any duty to abstain from interference and therefore, speech such as hate speech, defamatory speech etc. would lie outside the protective perimeter within which a person can exercise his right to freedom of speech. Such speech can be subjected to restrictions or restraints. While restrictions on the right to freedom of speech and expression are required to be made by the State only under the grounds



2024 : KER : 82715

listed under Article 19(2), restraints on the said right do not gather their strength from Art.19(2) but are governed by the content of Article 19(1)(a) itself, that is to say, through inherent limitations under the Constitution itself (*emphasis supplied*).

25. It is our view that the inherent scheme of our Constitution, and the judicial interpretation of its concepts and ideals over the last seven decades and more, cannot be overlooked while examining the scope, extent and content of any of the rights guaranteed to the people who are governed by it. Accordingly, the limits of the rights of any person under the Constitution have to be determined based on the extent of compatibility of those rights with similar rights guaranteed to others, as also by reconciling them with the duties expected from the rights holder under the Constitution. Fundamental duties also constitute core constitutional values for good citizenship in a democracy such as ours, and they enjoin all citizens with obligations of promoting fraternity, harmony, unity, collective welfare etc. Fundamental duties must therefore be recognised not merely as constitutional norms or precepts but as obligations, correlative to rights. It follows, therefore, that the permissible content of the right to freedom of speech and expression has to be tested, *inter alia*, on the touchstone of fraternity, constitutional morality and fundamental duties as envisaged under our Constitution. Accordingly, any form of speech or expression that either trenches upon the fundamental rights of another person, or offends the concept of constitutional morality, or militates against the principle of separation of powers or occasions a breach of one's fundamental duties



2024 : KER : 82715

under the Constitution, cannot be seen as forming the content of that person's right under Article 19(1)(a) of the Constitution.

26. As we pass through what has come to be known as the Information Age, we must remind ourselves that even in the past, despite our preference for transparency, we have always allowed for exceptions to the concept of open courts. Where, for instance, the cause of justice would suffer on account of witnesses being required to give evidence subject to public gaze, the courts have been given the discretion to opt for *in camera* proceedings [**Naresh Shridhar Mirajkar and Others v. State of Maharashtra and Another - [1966 SCR (3) 744]**]. Such instances call for imposing implied and inherent limitations on a citizens right to know what transpires in the course of judicial proceedings, with a view to further the larger public interest subserved by preserving public trust in the judicial institution. Towards the same end and effect would be the imposition of limitations on the freedom of the press/media against inaccurate reporting of court proceedings, or predicting outcomes of criminal investigations and judicial proceedings even before the forum entrusted with the adjudicatory function gives its findings. In the matter of predicting outcomes of judicial proceedings, the press/media have to understand that their opinions in that regard have the propensity to influence the minds of those who read/view their reports/programmes and that, in the event of a contrary verdict being pronounced by the adjudicatory forum, there is a strong likelihood of public trust in the judicial process being eroded. In an age where live streaming of court proceedings offers a discerning citizen the option of following the



2024 : KER : 82715

court proceedings from a place of his choosing, and the principles of rule of law and separation of powers under our Constitution mandate that the adjudicatory function be exclusively discharged by courts, tribunals and like forums, we do not think the constitutional freedom of the press/media under Article 19(1)(a) of the Constitution extends in its scope and ambit to airing its personal opinion on what the result of a criminal investigation or an adjudicatory process would be by projecting it as a definite and inevitable outcome of the proceedings. This is more so because airing such opinions can also have the effect of violating the dignity/reputation of a party to the court proceedings which in turn are integral facets of his/her fundamental right under Article 21 of the Constitution of India.

I would therefore answer the reference as follows:

- The right of the media to freedom of speech and expression under Article 19(1)(a) cannot be restricted save by a law made by a competent legislative body, and even thereunder only on the grounds expressly mentioned in Article 19(2) of the Constitution.
- The right to freedom of speech and expression under Article 19(1)(a), like any other constitutional right, has a content that is determined by the inter-play of that right with the rights granted to others under the Constitution, as also by the obligations imposed under the Constitution on the rights holder. In other words, the ideals, values and concepts under the Constitution, the rights conferred on others thereunder, and the duties imposed on the right holder itself under the Constitution, serve to delimit the particular right and determine its content, scope and extent.



- In the case of a conflict arising between the right of the media to freedom of speech and expression under Article 19(1)(a), and the right of an individual to his/her dignity or reputation that is traceable to Article 21 of the Constitution, the former has to be seen as controlled not only by the latter, but also by the ideals, values, concepts and fundamental duties recognized under the Constitution which are equally binding on the media. The right under Article 19(1)(a) thus gets correspondingly delimited and, in appropriate cases, must yield to the right of the individual under Article 21 of the Constitution.
- In the context of reporting facts relating to criminal investigations or cases pending adjudication before the various adjudicatory forums, the right of the media to freedom of speech and expression under Article 19(1)(a) would be further de-limited by their obligation to defer to the principle of separation of powers that is recognised under our Constitution. The said principle, coupled with the concept of rule of law, mandates that the final and authoritative determination of guilt or innocence can be pronounced only by a judicial authority. Therefore the expression by the media of any definitive opinion regarding the guilt or innocence of a party in a criminal investigation or a case pending adjudication, before an authoritative pronouncement is made by the adjudicatory forum concerned, would not get the protection under Article 19(1)(a) of the Constitution.
- The declaration of the law, as above, is deemed necessary so as to guide the media in its exercise of the right to freedom of speech and expression in situations where they deem it necessary to report facts relating to criminal investigations and cases pending adjudication before various adjudicatory forums in our country. Deference to the said declaration of law would go a long way in preventing unnecessary instances of breach of fundamental rights of



2024 : KER : 82715

individuals in society and hopefully would also usher in a new era of responsible journalism.

- In those instances where an aggrieved individual can establish that his/her right to dignity/reputation traceable to Article 21 of the Constitution has been, or is likely to be infringed by the actions of the media, he/she can approach a constitutional court which can forge a suitable measure to either prevent or contain the damage occasioned by the breach of that right, by relying on the precedent in *Sahara (supra)*.

Dr. Kauser Edappagath, J. (Concurring)

I have read the well-reasoned and skilfully structured judgment proposed by Dr. Justice A.K. Jayasankaran Nambiar. I fully agree with the reasoning and conclusions therein. However, I deem it fit to pen the following concurring note sharing my thoughts on the issue involved.

2. Though referring Bench formulated six issues for consideration, we, taking note of the developments of the law on the subject after reference, recast the issue as per our order dated 01.10.2024 as under:

“What is the scope, extent and content of the right to freedom of speech and expression guaranteed to the press/media under Article 19(1)(a) of the Constitution of India, in the context of reporting facts relating to criminal investigations and cases pending adjudication before various adjudicatory forums in our country?”

3. After recasting the issue as above, the controversy before us lies in a narrow compass but raises questions of public importance touching upon the right of the media to disseminate news, views, and information, the right



2024 : KER : 82715

of citizens to know, the right to privacy, dignity, and reputation of the accused and the victim, and the right to fair trial.

4. Freedom of speech and expression lay at the foundation of all democratic institutions. The press and media have the same rights—no more or no less than any individual—to write, publish, circulate, and broadcast information. The media derives this right from the right to freedom of speech and expression in Article 19(1)(a) of the Constitution of India. Free and independent media enables citizens to be informed and to hold the powerful to account. In a democratic society like ours, where accurate information is a prerequisite to intelligent decision-making by the public, the news media serve a vital role. The role of the media is that of a watchdog to disseminate truth to the knowledge of the public. In ***Re : Harijai Singh and Another***¹, the Supreme Court observed that the freedom of the press is regarded as “the mother of all liberties in a democratic society”.

5. As adjudication is not a private activity, the open court is the norm for legal proceedings. Indian law recognises open court justice. The concept of open justice permits fair and accurate reports of court proceedings to be published. Reporting of the court proceedings increases transparency and faith of the public in the judiciary. This is also in harmony with the citizen's right to know. The right to know is a basic right which the citizen of a free country aspires to. The public has a right to know what is happening in courts and events relating to the investigation of the crime. The right of the public to access true and correct facts is required to be recognized. This

¹ (AIR 1997 SC 73)



2024 : KER : 82715

ensures overall fairness in the functioning of the justice delivery system. The media can bring into the courtroom those of the public who could not attend and, through intelligent reporting, educate the reading public in judicial affairs. The right to public access also emanates from Section 327 of the Cr.P.C., which reaffirms the principle of "open trial" and the public's access to such open trials. It is one of the salutary principles of the administration of justice that justice must not only be done but must also be seen to be done. An "open trial" reaffirms the said principle.

6. Although the right of freedom of speech and expression as enshrined in Article 19(1)(a) of the Constitution is the hallmark of a democracy, thereby protecting the right of the free press and the free media, like every fundamental right, the freedom of the press and media cannot be unlimited or unfettered. This is even if it is accepted that the necessity of free media for the proper functioning of a democratic polity cannot be undermined. Considering that unfettered freedom of speech and expression would be equivalent to providing unrestricted permission, the Supreme Court in **Re : Harijai Singh** (supra) has voiced that press freedom is neither total nor infinite and if it were left entirely unrestricted, even somewhat, it would cause calamity and turmoil. While the right of the media to keep the public informed about criminal trials and investigations must be safeguarded, equally important is the right to dignity, reputation, and privacy of the victim and the accused must be zealously guarded, and a fair trial, which includes fair investigation, must be ensured.



2024 : KER : 82715

7. The right to fair trial is one of the fundamental guarantees of human rights and the rule of law, aimed at ensuring the administration of justice. The right to fair trial is a fundamental safeguard to ensure that individuals are protected from unlawful or arbitrary deprivation of their human rights and freedoms, most importantly of the right to liberty and security of person. Every person has the right to a fair trial both in civil and criminal cases. The right to a fair trial is adopted by many countries in their procedural law. The major features of fair criminal trial are preserved in the Universal Declaration of Human Rights, 1948. Article 10 states that - Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. As far as the Indian legal system is concerned, the international promise of fair trial is very much reflected in its constitutional scheme as well as its procedural law. The rules that ensure the protection of all parties - defence, prosecution, accused, victim and witnesses - are laid down in the Code of Criminal Procedure and the Evidence Act. Indian judiciary has also highlighted the pivotal role of fair trial in a number of cases. In **Zahira Habibullah Sheikh and Others v. State of Gujarat and Others**², the Supreme Court observed, "Each one has an inbuilt right to be dealt with fairly in a criminal trial. Denial of a fair trial is as much injustice to the accused as it is to the victim and to society. Fair trial obviously would mean a trial before an impartial judge, a fair prosecutor and an atmosphere of judicial calm. Fair trial means a trial in which bias or prejudice for or against the accused, the witness or the cause, which is being

² [(2006) 3 SCC 374]



2024 : KER : 82715

tried, is eliminated.” It is judicially acknowledged that fair trial includes fair investigation as envisaged by Articles 20 and 21 of the Constitution of India.

8. The criminal justice system in India has at its heart the right to a fair trial. Each stakeholder has a right to be dealt with fairly in a criminal trial. A trial primarily aimed at ascertaining the truth must be fair to all concerned, which includes the accused, the victims, and society at large. Denial of a fair trial is as much an injustice to the accused as it is to the victim and society.

9. Fair trial norms include, among other things, the right to be presumed innocent. The presumption of innocence has been acknowledged throughout the world. Article 14(2) of the International Covenant on Civil and Political Rights, 1966, and Article 11 of the Universal Declaration of Human Rights acknowledge the presumption of innocence as a cardinal principle of law until the individual is proven guilty. Criminal jurisprudence in our country is also based on the principle that every accused person is presumed to be innocent until his guilt is proven beyond reasonable doubt. In ***State of U.P. v. Naresh and Others***³, the Supreme Court observed that the presumption of innocence that forms the basis of criminal jurisprudence in India is a human right subject to the statutory exceptions. In ***Sidhartha Vashisht alias Manu Sharma v. State (NCT of Delhi)***⁴, reiterating its consistent stand that presumption of innocence is a facet of Article 21, the Supreme Court observed thus:

3 [(2011) 4 SCC 324]

4 [(2010) 6 SCC 1]



2024 : KER : 82715

"In the Indian criminal jurisprudence, the accused is placed in a somewhat advantageous position than under different jurisprudence of some of the countries in the world. The criminal justice administration system in India places human rights and dignity for human life at a much higher pedestal. In our jurisprudence an accused is presumed to be innocent till proved guilty. The alleged accused is entitled to fairness and true investigation and fair trial and the prosecution is expected to play balanced role in the trial of a crime. The investigation should be judicious, fair, transparent and expeditious to ensure compliance with the basic rule of law. These are the fundamental canons of our criminal jurisprudence and they are quite in conformity with the constitutional mandate contained in Articles 20 and 21 of the Constitution of India."

10. The media is seen and observed to have habitually overlooked this legal presumption of innocence until proven guilty by indulging in media trials or parallel investigations, thereby negatively impacting the accused in the case. We are now in the era where trial by media and press coverage fuels public opinion, which begins even before the suspects are charged. Nowadays, we witness TV channels initiate intense discussions during prime time on ongoing criminal investigations and pending criminal trials of public interests. It is a kind of a parallel criminal trial of the suspects in the news studios. Some of such channels resort to "investigative journalism," as they call it. What we generally see in these kinds of media trials is that the media itself does a parallel investigation, characterizes the accused as a person who had indeed committed the crime, builds a public opinion against him, reincarnates itself into a 'kangaroo court', and 'convict' the accused by public opinion even before the trial at the court takes off. It completely overlooks the vital gap between an accused and a convict keeping at stake the golden principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt'. In **Manu Sharma** (supra), it was held by the Supreme Court that "presumption of innocence of an accused is a legal



2024 : KER : 82715

presumption and should not be destroyed at the very threshold through the process of media trial and that too when the investigation is pending. In that event, it will be opposed to the very basic rule of law and would impinge upon the protection granted to an accused under Art.21 of the Constitution of India". It is also not uncommon for television channels to telecast interviews with material witnesses and investigating officers of the crimes under investigation. In this regard, referring to the growing tendency among investigating officers to represent to the media, even before the completion of the investigation, that they have caught a criminal or offender with considerable effort, the Supreme Court in **Rajendran Chingaravelu v. R.K.Mishra**⁵, observed that premature disclosures or "leakage" to the media in a pending investigation will not only jeopardise and impede the further investigation but many a time, allow the real culprit to escape from the law.

11. There is no doubt that the media, being the fourth pillar of democracy, has a right, duty, and discretion to cover the news relating to the investigation of crime and events that are happening in courts and disseminate that same to their audience in accordance with constitutional principles of freedom of speech and expression. But in the grab of the right to free speech and expression, the media cannot be permitted to take upon themselves the role of the investigating agencies, prosecutors, and adjudicators in pronouncing persons guilty or innocent, even before the lawful investigation is completed by the investigating agencies. Media personnel could be justified as long as they act just like a catalyst and do not overstep into the domain of the judiciary or investigating agency by creating

⁵ [(2010) 1 SCC 457]



2024 : KER : 82715

a widespread perception of guilt or innocence of the suspect before the trial. Such media trials, which exceed the limits of ethical caution and fair comment and project the suspect or accused as guilty or innocent even before the court delivers a verdict, amount to a gross violation of the right of the accused, victim, and witnesses to a fair trial guaranteed under Articles 14 and 21 of the Constitution. It results in undue interference with the administration of justice. Such interference by the electronic media during a lawful investigation of any alleged crime defies all canons of legal legitimacy.

12. Apart from the right to a fair trial, distorted and warped reporting during a media trial may have a deep impact on the dignity, reputation and privacy of the accused and the victim. It is trite law that the right to dignity and reputation are facets of the right to life of a citizen under Article 21 of the Constitution⁶. The right to privacy, pursuant to declaring it to be a fundamental right by the Supreme Court in ***K.S.Puttaswamy and Another v. Union of India and Others***⁷ has also been woven into the fabric of Article 21. It is settled that a person's privacy, reputation and dignity cannot be impinged without a just, fair and reasonable law which needs to fulfil a test of proportionality, which means that the nature and quality of encroachment of the right, is not disproportionate to the purpose of the law. It is also settled that the precious right guaranteed by Article 21 cannot be denied to accused, convicts, under trials, detenues and other prisoners in custody, except according to the procedure established by law by placing

⁶ Port of Bombay v. Dilipkumar Raghavendranath Nadkarni (1983) 1 SCC 124

⁷ [(2017) 10 SCC 1]



2024 : KER : 82715

such reasonable restrictions as are permitted by law⁸. Harmonising the scuffle between Article 19(1)(a) and Article 21, the Supreme Court in ***Subramanian Swamy v. Union of India***⁹ held that “the reputation of an individual is a basic element under Article 21 of the Constitution and balancing of fundamental rights is a constitutional necessity. The right to free speech does not give a right to an individual to defame others. The citizens have a correlative duty of not interfering with the liberty of other individuals since everybody has a right to reputation and the right to live with dignity”.

13. The right to freedom of speech and expression available to the press and media under Article 19(1)(a) cannot trample on the right to dignity, reputation and privacy available to the citizen under Article 21. The border between a robust exercise of freedom of expression and protection of the right to privacy has been a matter of intense judicial scrutiny in India and abroad. The Supreme Court of the United Kingdom in ***Bloomberg LP v. ZXC***¹⁰ held that a person under criminal investigation has, prior to being charged, a reasonable expectation of privacy in respect of information relating to that investigation. The respondent, ZXC, and his employer were the subject of a criminal investigation by a UK Legal Enforcement Body. The appellant, Bloomberg, obtained a copy of the confidential Letter of Request sent by the enforcement body to a foreign state seeking information and documents relating to the respondent and published an article referring to the fact that information had been requested in respect of the respondent

⁸ Francis Coralie Mullin v. Administrator, Union Territory of Delhi and Others [(1981) 1 SCC 608]

⁹ [(2016) 7 SCC 221]

¹⁰ [(2022) UKSC 5]



2024 : KER : 82715

and detailing the matters in respect of which he was being investigated. ZXC brought a claim under the tort of misuse of private information arising out of the publication of the article and sought damages and injunctive relief. Following a trial before the High Court, the claims were upheld and damages of £25,000 was awarded. The Supreme Court unanimously dismissed Bloomberg's appeal and upheld the High Court's judgment, confirming that an individual who is being investigated by a law enforcement agency has a reasonable expectation of privacy in the facts and details of that investigation up to the point of charge. It reasoned that a balancing exercise must be done in such cases to determine whether the respondent's Article 8 right to privacy or the publisher's Article 10 right to freedom of expression should prevail, with neither of the rights having the right of precedence over the other. In *Estes v. Texas*¹¹, the U.S. Supreme Court set aside the conviction of a Texas financier for denial of his constitutional rights of due process of law as during the pre-trial hearing extensive and obtrusive television coverage took place. The Supreme Court of India has always struck a balance whenever it was found that the exercise of fundamental rights by one caused inroads into the space available for the exercise of fundamental rights by another. The competing claims arose in many of those cases, in the context of Article 19(1)(a) right of one person *qua* Article 21 right of another.

14. In *People's Union for Civil Liberties (PUCL) v. Union of India*¹², the right to privacy of the spouse of the candidate contesting the

¹¹ [381 U.S. 532 (1965)]

¹² [(2003) 4 SCC 399]



2024 : KER : 82715

election was declared as subordinate to the citizen's right to know under Article 19(1)(a). In **Sahara India Real Estate Corporation Ltd. and Others v. Securities and Exchange Board of India and Another**¹³, a balance was struck between the right of the media under Article 19(1)(a) and the right to fair trial under Article 21. The right to fair trial of the accused was balanced with the right to fair trial of the victim in **Asha Ranjan v. State of Bihar and Others**¹⁴. In **Puttaswamy** (supra), it was held that the Court should strike a balance wherever a conflict between two sets of fundamental rights is projected. In **R. Rajagopal v State of Tamil Nadu and Others**¹⁵, the rights pitted against one another were the freedom of expression under Article 19(1)(a) and the right to privacy of the officers of the Government under Article 21. It was held that a citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, childbearing and education, among other matters, and none can publish anything concerning the above matters without his consent — whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. It was clarified that any publication concerning an individual's private affairs becomes unobjectionable if it is based on public records, including court records and once a matter becomes a matter of public record, the right to privacy no longer subsists, and it becomes a legitimate subject for comment by the press and media, among others. However, an exception has been carved out against publishing the

13 [(2012) 10 SCC 603]

14 [(2017) 4 SCC 397]

15 [(1994) 6 SCC 632]



2024 : KER : 82715

name and details of the female victim of a sexual assault, kidnapping, abduction, or a like offence in the interests of decency under Article 19(2). In ***Kaushal Kishor v. State of Uttar Pradesh & Others***¹⁶, while answering the question whether additional restrictions on the right to free speech can be imposed on grounds not found in Article 19(2) by invoking other fundamental rights, it was categorically held that under the guise of invoking other fundamental rights or under the guise of two fundamental rights staking a competing claim against each other, additional restrictions not found in Article 19(2), cannot be imposed on the exercise of the right conferred by Article 19(1)(a) upon any individual. In ***Swapnil Tripathi v. Supreme Court of India***¹⁷, while dealing with a PIL for live-streaming proceedings, it was observed that in case of conflict between competing constitutional rights, a sincere effort must be made to harmonise such conflict in order to give maximum expression to each right while minimising the encroachment on the other rights. While balancing the right to reputation and the right to freedom of expression, Article 19 of the International Covenant on Civil and Political Rights, 1966, gave more weightage to the right to reputation. Thus, though generally, the right of speech and expression available to the media is no more or no less than a citizen's right to dignity, reputation and privacy, when biased and distorted reporting by the media hampers the fair trial and impinges the dignity, reputation and privacy of the accused, victim or witness, privacy right should outweigh the freedom of the press. In such circumstances, the constitutional protection under Article 21 protecting the right to privacy and fair trial is in

16 [(2023) 4 SCC 1]

17 [(2018) 10 SCC 639]



2024 : KER : 82715

the nature of a valid 'restraint' operating on the right of free speech under Article 19(1)(a).

The upshot of the above discussions is that though media has a legal as well as constitutional right to report true and correct events relating to pending criminal trials and ongoing investigations, any false, derogatory, distorted or unprofessional reporting by them, which may either jeopardize the fair trial or impinge the reputation, dignity or privacy of the accused or the victim, would not be protected under Article 19(1)(a) of the Constitution of India. Any such action on the part of the media would be actionable before the competent court of law. It is desirable that the media realise its responsibility to society and draw the 'Lakshman Rekha' themselves without overstepping into the domain of the judiciary and the investigating agency and ensure that no media trial is undertaken, which causes prejudice to the fair trial and has an adverse impact on the privacy and dignity of the accused and the victim.

Mohammed Nias C.P., J. (Concurring)

Having had the advantage of perusing the scholarly opinion of Dr. Justice A.K. Jayasankaran Nambiar, alongside the profound analyses of Dr. Justice Kauser Edappagath and Justice V.M. Syamkumar, and given the weightiness of the question in issue, I feel compelled to set my perspective on the media rights and the ramifications of their reporting in the context of criminal investigations and court proceedings and on the vital questions that lie at the intersection of justice dispensation and journalistic responsibility.



2. *“No judge lives in isolation. Therefore, I am conscious of public opinion polls, various petitions, newspaper articles, discussions, proclamations of politicians and lawyers, and public assemblies... Judges in democracies cannot win public trust by seeking publicity and following public moods. They can win trust only by deciding according to law, without regard to public opinion.”*

-Separate opinion by Ivetta Macejková, judgment of the Slovak Constitutional Court, PL. ÚS 7/2017-159, 31 May 2017.

3. The interplay of rights concerning the media coverage of criminal cases is complex and multifaceted, particularly within the framework of Article 21 of the Constitution of India, which emphasizes the right to life and personal liberty. The public has a vested interest in understanding the workings of the criminal justice system, including access to information about ongoing criminal cases, as this transparency is crucial for maintaining public confidence in the judicial system and allows citizens to be informed about matters affecting their safety and welfare. The media serves as a conduit for information, exercising its right to free speech and expression; however, this right must be exercised responsibly, avoiding sensationalism or misinformation that could prejudice ongoing investigations or legal proceedings.

4. Victims of crime have the right to seek justice and uncover the truth through a fair trial, which includes the ability to present their case and



2024 : KER : 82715

evidence without interference. The media's role in reporting on a case can influence public perception, which may impact the trial's fairness. Moreover, the accused is entitled to the presumption of innocence until proven guilty, and media coverage that portrays the accused negatively before conviction can undermine this legal principle, potentially swaying public opinion against them, which may affect the justice dispensation. Article 21 also encompasses the right to reputation and privacy; thus, the media must navigate these rights carefully, ensuring that reporting does not unjustly harm the reputation of the accused or violate the privacy of victims and their families. Above all, the ultimate goal is the due administration of justice, which entails a balanced approach where the rights of all parties—victims, accused, and the public—are respected. Courts can impose restrictions on media coverage in certain cases to avert justice being subverted. While the media plays a vital role in informing the public about criminal cases, it must do so within the bounds of legal and ethical standards that protect the rights of all involved and uphold the integrity of the judicial process and be conscious of the fact that rights under Article 21 would prevail over those under Article 19 in the matter of reporting about ongoing investigations or pending proceedings in Courts.

5. The rule of law, a fundamental aspect of our Constitution, guarantees every accused person the right to a fair trial. This right includes being tried solely based on evidence presented in court, without influence from media commentary or speculation about the cases yet to be decided by the Court. Media reports that claim guilt or innocence, or cast doubt on the integrity of witnesses, risk prejudicing the trial and undermining the legal



2024 : KER : 82715

rights of the accused. Thus, the media need to refrain from reporting on those aspects of the case that may affect the impartiality of the judicial proceedings, to preserve the integrity of the legal process and the rights of all individuals involved.

6. Half-truths and misinformation must not be the foundation of any media publications or broadcasts, especially regarding ongoing criminal investigations, court proceedings, or trials. The media does not possess the authority to speculate on the outcomes of these legal processes or to draw conclusions about the individuals involved based on unverified information. Specifically, the publication of leaks from investigative agencies, along with allegations derived solely from such leaks, is not protected under the freedom of the press as outlined in Article 19(a) of the Constitution. It is insufficient to defend such reporting either relying on any fundamental right or justify by arguing that it is based on preliminary findings or mere suspicions of the investigative agency. Such "trial by media" not only shapes perceptions of guilt or innocence but also leads to distrust in judicial outcomes, especially when verdicts differ from prevailing public beliefs. The general public often lacks a thorough understanding of legal proceedings, making them more susceptible to media narratives.

7. Reports and telecasts that serve to prejudice the public against the parties involved and the Court before the hearing of the case constitute a blatant interference with the administration of justice. The ramifications of trial by media extend far beyond immediate impacts; they insidiously erode



2024 : KER : 82715

the very foundation of fair trial rights for accused/litigants while wielding significant influence over public opinion. Such media portrayals foster perceptions, whether favourable or detrimental, towards the accused, often leading the layperson to form judgments that starkly contrast with judicial conclusions. Consequently, when a Judge renders a verdict that deviates from widely held beliefs shaped by media narratives, it breeds distrust in the integrity of the legal system itself. The principled approach of adjudicating guilt based on legal evidence may be foreign to those unversed in the law, who instead gravitate towards the sensationalized versions propagated by the media. This erosion of confidence in the justice delivery system is further exacerbated when the Judge, rather than the judgment, becomes the target of media scrutiny. Such scenarios lead to the disparagement of the justice system—an affront to the rule of law that is essential for the functioning of any democratic society.

8. In the context of criminal investigations or trials or matters which are subjudice, any media reporting that goes beyond the factual recounting of events that have transpired in a courtroom is subject to checks and can be curtailed. While the media serves a critical role in informing the public about judicial matters, it must exercise its rights with caution. The fundamental right to freedom of speech and expression cannot be permitted to override the legal rights of other citizens, particularly those who are accused or under investigation. Responsible media discourse is essential to ensure that the fairness and integrity of the judicial process are maintained and that individuals are not unjustly prejudiced by speculative or misleading reporting. Such denigration of judicial figures contributes to a broader



2024 : KER : 82715

mistrust of the entire legal system, which is fundamental to upholding the rule of law in any democratic society. The consequences of trial by media are far-reaching, as they not only affect individual cases but also undermine the public's confidence in the capacity of the legal system to administer justice fairly and impartially.

9. The Press Council of India NORMS OF JOURNALISTIC CONDUCT 2022 also records that the freedom of the Press involves the readers' right to know all sides of an issue of public interest. The press has to remember that it is not a prosecutor in any investigation and should be guided by the paramount principle of a person's innocence unless the alleged offence is proved beyond doubt by independent reliable evidence and, therefore, even within the constraint of space, the material facts should find space in the rejoinder so that the public, is guided by the complete and accurate facts in forming its opinion. The readers' right to know all sides of any issue of public importance is a natural corollary of the freedom enjoyed by the press in a democracy.

10. The media and judiciary are two vital pillars of democracy and natural allies, one complements the other towards the goal of a successful democracy. Measures which are necessary for due process of law need to take precedence over freedom of speech. In a conflict between fair trial and freedom of speech, fair trial has to necessarily prevail because any compromise of fair trial for an accused will cause immense harm and defeat the justice delivery system. Thus, media persons should be duly trained and



2024 : KER : 82715

imparted basic knowledge about the functioning of courts and processes of law to realise that an accused is entitled to the privilege of presumption of being innocent till guilt is pronounced by the Court, that the media reports should not induce the general public to believe in the complicity of the person indicted as such kind of action brings undue pressure on the course of fair investigation by the police.

11. While the media's reporting at the investigation stage in a criminal case may ensure a speedy and fair investigation, disclosure of confidential information may also hamper or prejudice investigation. The media is not expected to conduct its own parallel trial or foretell the decision putting undue pressure on the judge, or the witnesses or prejudice a party to the proceedings. Incidents of misreporting and misrepresentation on courts and individuals arise from time to time impacting negatively on the image of the institution. While the freedom of speech and expression of the media, and the right to know of the people need to be protected and promoted, the right to a fair trial of the accused needs to be secured and guaranteed. The danger of "trial by media" replacing the rule of law with "rule by public opinion". Media freedom is not a licence to interfere with the justice delivery system. However, if the media receives any material relevant to the investigation or against those suspected/alleged, nothing prevents them from handing it over to the Investigating Officer or informing the court in case the Investigating Officer does not pay heed to the information/material provided by the media. Restrictions on media reporting during criminal trials are permissible to protect the integrity of the judicial process and the rights of the accused.



12. The freedom of the press in the context of the trial of criminal cases came to be considered by the Supreme Court of India in the judgment in the **State of Maharashtra v. Rajendra Jawanmal Gandhi [1997 (8) SCC 386]**, where the Apex Court expressed its displeasure over the phenomenon, which it called as ‘trial by press, electronic media or public agitation’ as the very antithesis of law. Again the Hon'ble Supreme Court in 2005 when faced with such a situation in the case of **M. P. Lohia v. State of West Bengal [AIR 2005 SC 790]** took a similar view and echoed these lines: “. . . This type of article appearing in the media would certainly interfere with the administration of justice. We deprecate this practice and caution the publisher, editor and journalists who were responsible for the said article against indulging in such trial by media when the issue sub-judice”.

13. In **Express Newspaper Pvt. Ltd. v. Union of India [AIR 1986 SC 872]**, the Supreme Court even while upholding the freedom of speech, which our Court has always unfailingly guarded, also added: “This freedom is not absolute and unlimited at all times and under all circumstances, but is subject to the restriction contained in Article 19(2). That must be so because unrestricted freedom of speech and expression which includes the freedom of the press and is wholly free from restraints, amounts to uncontrolled license which would lead to disaster and anarchy, and it would be hazardous to ignore the vital importance of our social and national interest in public order and security of the State”.



Reports that surpass the aforementioned limits may be subject to action upon a complaint from an affected individual. Thus, I align myself with the answers to the reference authoritatively stated in Dr. Justice A.K. Jayasankaran Nambiar's opinion.

C.S. Sudha, J. (Concurring)

I have gone through the opinion rendered by Dr. Justice A.K. Jayasankaran Nambiar, and I concur with the same.

Syam Kumar V.M. J. (Concurring)

I had the advantage of reading the erudite and well-reasoned opinions rendered by Dr. Justice A.K. Jayasankaran Nambiar and Dr. Justice Kauser Edappagath. I respectfully concur with the reasoning and conclusions arrived at therein. In view of the significance of the subject matter and its importance in the constantly evolving rights-based jurisprudence, I deem it necessary to elaborate on the reasons for my concurrence.

2. Petitioners have approached this Court pointing out that the proliferation of visual and electronic media have led to rampant and often brazen discussions and airing of off-the-cuff opinions on pending criminal investigations and court proceedings. These 'media trials', according to the petitioners, create false narratives in the minds of the general public. These narratives in turn damagingly interfere with the course of justice, obstructing a free and fair trial. In the process, they also undermine the



2024 : KER : 82715

dignity/ reputation of the individuals involved. Petitioners thus pray that suitable norms/guidelines be evolved to restrain such 'trial by media' and also seek to prohibit the media from reporting courtroom proceedings, and oral exchanges as part of hearings held in courts, unless they are reflective of the written orders rendered by the court in concerned matters. The media interests who are arrayed as respondents in these writ petitions would oppose the prayers sought by pointing to the freedom of the press which lies embedded within Article 19(1)(a) of the Constitution and contends that the media has only been catering to the right of the general public to know and be informed of court proceedings as well as about criminal investigations concerning matters of core public interest. They would submit that self-regulation is the best form of regulation and that there are norms already in place under various statutes to regulate interferences, if any, with human dignity and the right to a fair trial. Further, guidelines have already been evolved by competent bodies like the Press Council which would very well suffice to contain the alleged malady, of 'trial by media'.

3. Thus, the perennial issue of *inter se* balancing constitutionally guaranteed rights, over which much judicial ink has already been expended, is yet again raised for consideration in these writ petitions. The rights of a citizen to dignity/ reputation and to a free and fair trial, all of which are guaranteed under Article 21 of the Constitution, have this time been pitted against an equally vested right of the media to discuss and disseminate matters of public importance, which right, premised on Article 19(1)(a) of the Constitution, intricately connects with the right of the public at large to know and to be informed. The issue for consideration in these writ petitions



2024 : KER : 82715

thus delves on the scope, extent, and content of the right to freedom of speech and expression guaranteed to the Press/Media under Article 19(1)(a) of the Constitution of India in the context of reporting criminal investigations and cases pending adjudication before various adjudicatory forums.

4. As eminently elaborated in their respective opinions by Nambiar J. and Kauser J., the contours of the exercise of the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution and the scope and ambit of the restrictions that could possibly be put upon the same, have evolved over the decades through a catena of high-value decisions rendered by the Supreme Court and various High Courts. Starting with ***Sakal papers***¹⁸, up till the recent judgment in ***Kaushal Kishor***¹⁹, the scope, extent and limits of these inviolable rights and their balancing vis-a-vis the rights of State and other entities including the media, have been considered and discussed in the said judgments. The ratio enunciated in them and the nuances of balancing of rights evolved therein have already been referred to and dealt with in detail in the respective opinions and I refrain from surveying the precedents again. Suffice to say that a close scrutiny of the jurisprudence evolved in the precedents thus discussed reveal that the courts have consistently attempted to reconcile and balance the apparently conflicting 'rights-based' and 'duty-based' approaches in constitutional law. To point out few instances, in ***Subramanian Swamy***²⁰ it has been affirmed that the right to free speech in one does not give him the right to defame another and that the citizens have a co-relative duty not to interfere with the

18 1961 INSC 277

19 (2023) 4 SCC 1

20 (2016) 7 SCC 221



2024 : KER : 82715

liberty of another citizen since all have a right to reputation and right to live with dignity. In **PUCL**²¹ the right to privacy of the spouse of the candidate contesting the election was declared as subordinate to the citizen's right to know under Article 19(1)(a). The dictum in **K.S.Puttaswamy**²² insisted that when two sets of fundamental rights are at loggerheads the courts need to strike a fair balance. In **R.Rajagopal**²³ the citizen's right to privacy was held as sacrosanct *vis a vis* the right of the public to know or the right of the media to disseminate information. In **Shreya Singhal**²⁴ a test was laid out on the aspects of overbreadth and vagueness of restrictions that could be put and in **Sahara**²⁵ the need to balance the rights of the media with the right to a fair trial was propounded. In **Amish Devgan**²⁶ it was held that law and policies were not democratic unless subjected to democratic process including questioning and criticism. In **Dr. D.C. Saxena**²⁷ it was held that if speech or expression is untrue, there is no protection of the constitutional right. **Kaushal Kishor** (supra) unequivocally reiterated that there cannot be further restrictions on the fundamental rights guaranteed under Article 19(1) (a) over and above what have been specifically enumerated in Article 19(2). More recently in **Kunal Kamra**²⁸, the High Court of Bombay held that the rights conferred under Article 19(1)(a) could not be curtailed on the premise that such a fundamental right was to ensure that every citizen received only “true” and “accurate” information as determined by the Government.

21 (2003) 4 SCC 399

22 (2017) 10 SCC 1

23 (1994) 6 SCC 632

24 2015 INSC 257

25 (2012)10 SCC 603

26 2020 INSC 682

27 1996 INSC 753

28 2024 SCC OnLine Bom. 3025



5. The precedents discussed thus reveal that in the process of trying to reconcile the competing claims of rights in the context of duties/freedoms guaranteed to others, the courts have taken note of the Hohfeldian scheme of jural relations²⁹, which stipulates that conferring a right on one must entail the vesting of a corresponding duty in another.³⁰ The various vivid forms in which 'rights' may appear viz., as a 'claim' or a 'right properly so-called', 'liberty' or a 'privilege', 'power' and 'immunity' and the different hues that the concept of 'duty' may partake, like for instance, 'no right', 'liability' and 'disability' etc, are pivotal and cannot be ignored when it comes to the question of examining the nature of the rights and while *inter se* attempting to balance the same. The Hohfeldian classification of rights, and duties into jural correlatives, jural contradictories, and jural opposites helps in understanding the status of the legal relations and in fixing and confining them to their appropriate desirable spaces as envisaged by the Constitution. Looked at from this point of view, justice administration becomes an exercise in mutual accommodation of these various rights and duties in their different forms and variations with the ultimate purpose of either determining, defining or confining these rights or duties on the touchstone of the Constitution.

6. The extant position of law regarding constitutional rights as evolved out of all the precedents discussed on the subject, relates well with the Hohfeldian analysis under which a 'constitutional right' could mean any

²⁹ Wesley Newcomb Hohfeld ; *Some Fundamental Legal Conceptions as Applied to Judicial Reasoning*;
23 Yale L. J. 16
³⁰ (2023) 4 SCC 1



2024 : KER : 82715

legal position arising from the Constitution and partaking the form of a claim, liberty, power, or immunity. From the said viewpoint, the term 'constitutional right' could be used broadly to mean a collection of such legal positions or as a 'bundle of relations'. Thus, constitutional rights could either mean a claim, liberty, power, immunity, as well as a bundle of relations arising from the Constitution. The phrase "right to freedom of speech" could thus encompass many positions arising from different articles and policies adopted in the Constitution. It would thus be influenced by the fundamental duties part, the directive principles as well as those avowed objectives and principles that are now termed as the constitutional mores which latently pervade the Constitution like for instance, the doctrine of separation of powers.

7. In the Hohfeldian analysis, rights are not like objects that people can possess or carry with them nor are they metaphysical entities floating in space between individuals and the government. Instead, rights are positions within legal relations or bundles of such relations. And these positions only have meaning by reference to the broader relationships which they are capable of creating. They are like different vantage points upon a single relationship and obtain its significance from the perspective from which it is viewed upon. As pithily explained by Llewellyn, 'A has a right that B shall do something... [b]ut the right has B on the other end. The right is indeed the duty, a duty seen from the other end.' Looked at from this point of view all jurisprudence addresses the method of determining the rights and duties of the people. The relationships between these rights and duties in their varied forms, become central to constitutional law's structure and meaning. It



follows that legal rights are thus always accompanied by legal obligations and an emphasis on the rights part alone overlooking the obligations that lie embedded within, does not reveal the spectrum of legal concepts lying within such right.

8. Employing the said analysis it could be seen that the right to freedom of speech and expression under Article 19(1)(a) as vested in the citizens and in the media has to be understood with specific reference to the nature and character of legal interest so vested. What is guaranteed under Article 19(1)(a) being a 'right' to 'freedom', the import of both the 'right' and the 'freedom', in the Hohlfeldian sense ought to be taken specific note of. A right vested in one will have a jural co-relative (equivalent) by way of a duty on the other which mandates that the right in the former, is respected by the latter. If on the other hand what is so vested is not a right but a 'privilege', 'freedom' or 'liberty', then the jural co-relative would be a 'no right' on the other to interfere with the said privilege/freedom/ liberty. Thus looked at from the Hohlfeldian prism, the right to freedom vested in the citizen and the media under Article 19(1)(a) will have to be viewed as impacting each slightly differently. This difference though slight and subtle, will assume significance while circumscribing the freedom as could be exercised by the media/ press under Article 19(1)(a). The impact of this could be compounded by the fact that the Indian Constitution does not speak of a specific right to freedom of the press and retains such right as one subsumed within Article 19(1)(a) as 'comparable' to the right as is available to a citizen.³¹ As settled by a string of highly placed precedents, this lack of mention of a specific

³¹ See Constituent Assembly Debates Book No.2 Vol. VII p.711.



2024 : KER : 82715

freedom of the press/media, does not act as a fetter nor does it dilute or in any manner diminish the freedom of the media. But while addressing the question of *inter se* superiority of fundamental rights of citizens and the public at large *vis a vis* the media, this absence will assume significance.

9. The content of the right under Article 19(1)(a) while it is being exercised by the media will have to be thus looked upon as a freedom/ privilege/ liberty that needs to be exercised taking due note of the other fundamental freedoms as well as duties conferred or imposed under the Constitution. As stressed by Ronald Dworkin³², Human beings possess a special dignity and self-respect, which must be protected by the possession of rights. Such rights of individuals must always be taken into account. They ought to be taken note of seriously and with sufficient attention to the scope and depth they are capable of possessing, which could be fathomed, only upon their thorough dissection as revealed in a Hohfeldian study of constitutional rights. Such an analysis would reveal that when pitted against the right guaranteed to a citizen or to the public under Article 19(1)(a) or under Article 21 of the Constitution, the freedoms/ privileges enjoyed by the media/ press though available, will be circumscribed by the Hohfeldian 'no right' thus entailing it to be subservient to the rights, ideals, values, concepts and fundamental duties recognized under the Constitution.

Thus, I fully concur with the answers to the reference enumerated in Dr. Justice A.K. Jayasankaran Nambiar's opinion.

³² Ronald Dworkin, *Taking Rights Seriously*, Cambridge, Massachusetts: Harvard University Press, 1977.



ORDER OF THE COURT

The reference is answered as follows:

- The right of the media to freedom of speech and expression under Article 19(1)(a) cannot be restricted save by a law made by a competent legislative body, and even thereunder only on the grounds expressly mentioned in Article 19(2) of the Constitution.
- The right to freedom of speech and expression under Article 19(1)(a), like any other constitutional right, has a content that is determined by the inter-play of that right with the rights granted to others under the Constitution, as also by the obligations imposed under the Constitution on the rights holder. In other words, the ideals, values and concepts under the Constitution, the rights conferred on others thereunder, and the duties imposed on the right holder itself under the Constitution, serve to delimit the particular right and determine its content, scope and extent.
- In the case of a conflict arising between the right of the media to freedom of speech and expression under Article 19(1)(a), and the right of an individual to his/her dignity or reputation that is traceable to Article 21 of the Constitution, the former has to be seen as controlled not only by the latter, but also by the ideals, values, concepts and fundamental duties recognized under the Constitution which are equally binding on the media. The right under Article 19(1)(a) thus gets correspondingly delimited and, in appropriate cases, must yield to the right of the individual under Article 21 of the Constitution.



2024 : KER : 82715

- In the context of reporting facts relating to criminal investigations or cases pending adjudication before the various adjudicatory forums, the right of the media to freedom of speech and expression under Article 19(1)(a) would be further de-limited by their obligation to defer to the principle of separation of powers that is recognised under our Constitution. The said principle, coupled with the concept of rule of law, mandates that the final and authoritative determination of guilt or innocence can be pronounced only by a judicial authority. Therefore the expression by the media of any definitive opinion regarding the guilt or innocence of a party in a criminal investigation or a case pending adjudication, before an authoritative pronouncement is made by the adjudicatory forum concerned, would not get the protection under Article 19(1)(a) of the Constitution.

- The declaration of the law, as above, is deemed necessary so as to guide the media in its exercise of the right to freedom of speech and expression in situations where they deem it necessary to report facts relating to criminal investigations and cases pending adjudication before various adjudicatory forums in our country. Deference to the said declaration of law would go a long way in preventing unnecessary instances of breach of fundamental rights of individuals in society and hopefully would also usher in a new era of responsible journalism.

- In those instances where an aggrieved individual can establish that his/her right to dignity/reputation traceable to Article 21 of the Constitution has been, or is likely to be infringed by the actions of the media, he/she can approach a constitutional court which can forge a suitable measure to either prevent or contain the damage occasioned by the breach of that right, by relying on the precedent in *Sahara (supra)*.



The reference being answered as above, we do not deem it necessary to specifically deal with the other prayers raised in the writ petitions. The writ petitions shall be seen as disposed in the light of the above declaration of the law.

**Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE**

**Sd/-
DR. KAUSER EDAPPAGATH
JUDGE**

**Sd/-
MOHAMMED NIAS C.P.
JUDGE**

**Sd/-
C.S. SUDHA
JUDGE**

**Sd/-
SYAM KUMAR V.M.
JUDGE**

prp/



2024:KER:82715

APPENDIX OF W.P(C).NO.21108/2014

PETITIONER'S EXHIBITS:

EXHIBIT P1 - TRUE COPY OF THE NEWS REPORT PUBLISHED IN THE FIRST RESPONDENT NEWS PAPER DT. 05.8.14.

EXHIBIT P2 - TRUE COPY OF THE NEWS REPORT MADE BY THE 2ND RESPONDENT DT. 05.8.14.

EXHIBIT P2(A) - TRUE ENGLISH TRANSLATION OF EXT. P2.

EXHIBIT P3 - THE NEWS REPORT WITH REGARD TO THE FURTHER ORDER WITH REGARD TO THE SAME SUBJECT MATTER REPORTED IN THE FIRST RESPONDENT'S DAILY DT. 08.8.14.

EXHIBIT P4 - TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT AND OTHER HIGHER UPS.

EXHIBIT P5 - TRUE COPY OF THE LETTER DATED 1.9.2014 OF THE 5TH RESPONDENT TO THE PETITIONER.

EXHIBIT P6 - TRUE COPY OF THE REVISED NORMS FOR ACCREDITATION OF THE LEGAL CORRESPONDENTS IN THE SUPREME COURT OF INDIA DATED 3.1.2007.

EXHIBIT P5 - TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER'S COUNSEL DATED 18.10.2016.

EXHIBIT P6 - TRUE COPY OF THE LAWYER NOTICE ISSUED BY THE PETITIONER'S COUNSEL TO MATHURBHUMI.

EXHIBIT P7 - TRUE COPY OF THE REPLY SENT BY THE MATHRUBHUMI TO EXT.P6.

EXHIBIT P8 - TRUE COPY OF THE LAWYER NOTICE SENT TO DEEPIKA.

EXHIBIT P9 - TRUE COPY OF THE REPLY SENT BY THE EDITOR, DEEPIKA.

EXHIBIT P10 - TRUE COPY OF THE LAWYER NOTICE SENT BY THE PETITIONER'S COUNSEL TO MATHRUBHUMI WEEKLY.



2024:KER:82715

RESPONDENTS ANNEXURES:

ANNEXURE R6(A) - TRUE EXTRACT OF THE NORM 12(A), NORM 12(B) AND 41(A) OF THE NORMS OF JOURNALISTIC CONDUCT EDITION ENUNCIATED BY THE COUNCIL.

ANNEXURE R6(B) - TRUE COPY OF THE PROGRAMME AND ADVERTISING CODES PRESCRIBED UNDER THE CABLE TELEVISION NETWORK RULES, 1994 (RULE 6 AND RULE 7).

EXHIBIT R27(A) - TRUE COPY OF THE OPEN LETTER PUBLISHED BY THE EXECUTIVE COMMITTEE OF THE KHCAA.

EXHIBIT R27(B) - TRUE COPY OF THE DETAILS OF MEMBERS IN NEWS BROADCASTERS ASSOCIATION PUBLISHED IN THE WEBSITE.

EXHIBIT R27(C) - TRUE COPY OF THE CONTENT DETAILS OF MISSION AND OBJECTS OF NEWS BROADCASTERS ASSOCIATION, PUBLISHED IN THEIR WEBSITE.

EXHIBIT R27(D) - TRUE COPY OF THE CODE OF ETHICS AND BROADCASTING STANDARDS PUBLISHED BY THE NEWS BROADCASTERS ASSOCIATION.

EXHIBIT R27(E) - TRUE COPY OF THE SPECIFIC GUIDELINES DATED 10.02.2009 OF NEWS BROADCASTERS ASSOCIATION.

EXHIBIT R27(F) - TRUE COPY OF THE SPECIFIC GUIDELINES DATED 15.9.2010 OF NEWS BROADCASTERS ASSOCIATION.

EXHIBIT R27(G) - TRUE COPY OF THE NEWS BROADCASTING STANDARDS REGULATIONS AS AMENDED ON 22.7.2015.

EXHIBIT R27(H) - TRUE COPY OF THE RELEVANT PAGE OF DAILY NEW INDIAN EXPRESS DATED 7.11.2016.



2024:KER:82715

APPENDIX OF W.P(C).NO.25718/2016

PETITIONER'S EXHIBITS:

EXHIBIT P1 - TRUE COPY OF THE RELEVANT PORTIONS OF THE NORMS AND GUIDELINES ISSUED BY THE PRESS COUNCIL OF INDIA

EXHIBIT P2 - TRUE COPY OF NEWS REPORT THAT APPEARED IN THE HINDU DAILY DATED 19.07.2016.

EXHIBIT P3 - TRUE COPY OF NEWS REPORT THAT APPEARED IN THE TIMES OF INDIA DAILY DATED 19.07.2016.

EXHIBIT P3 A - TRUE COPY OF NEWS REPORT THAT APPEARED IN THE NEW INDIAN EXPRESS DAILY DATED 19.07.2016

EXHIBIT P3 B - TRUE COPY OF NEWS REPORT THAT APPEARED IN THE HINDU DAILY DATED 21.07.2016

EXHIBIT P3 C - TRUE COPY OF NEWS REPORT THAT APPEARED IN THE HINDU DAILY DATED 22.07.2016

EXHIBIT P3 D - TRUE COPY OF NEWS REPORT THAT APPEARED IN THE TIMES OF INDIA DAILY DATED 22.07.2016.

EXHIBIT P3 E - TRUE COPY OF NEWS REPORT THAT APPEARED IN NEW INDIAN EXPRESS DAILY DATED 23.07.2016.

EXHIBIT P4 - TRUE COPY OF NEW REPORT THAT APPEARED IN THE NEW INDIAN EXPRESS DAILY DATED 23.07.2016.

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE